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March 13, 2021

**Via ECF and USPS First Class Mail**

Hon. Lewis A. Kaplan  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, N.Y. 10007

**Re: United States of America v. Michael McConnell  
19 CRIM 647 (LAK)**

Dear Judge Kaplan:

Please be reminded that I continue to represent Michael McConnell in connection with the above referenced matter. The matter is on the Court's calendar for an in-person sentencing on March 30, 2021 at 10:00 am.

Upon contacting the Court on March 12, 2021 to confirm that sentencing would proceed as scheduled, Your Honor's Courtroom Deputy informed me that the Court would be on trial commencing March 29, 2021 and that, in sum and substance, the in-person sentencing would have to be rescheduled. I was further informed that the Court could proceed with a remote sentencing on April 6 or April 12. A future date for an in-person sentencing could not be confirmed, understandably, as of March 12, 2021.

I write to request that the Court reschedule sentencing for a date no early than June 1, 2021 but, if possible, in July, 2021. The basis for my request is that to the extent that my client has requested an in-person sentencing and to the further extent that the COVID-19 virus vaccine is now available, I need to be fully vaccinated against the virus before appearing at an in-person sentencing. My client anticipates having over twenty (20) people appear on his behalf, in addition to his relatives, at the time of sentencing, all of whom I will be expected to interact with in the Courthouse corridors. Approximately fifteen (15) people appeared in support of Mr. McConnell at the time of the change of plea hearing. I must also traverse the interiors of the Courthouse, including the elevators, on the date of sentencing. I have a family member with an auto-immune disease with whom I have daily contact, two (2) small children and I provide care

to my elderly mother. As such, I make efforts to avoid scenarios where an increased risk of transmission is present. I currently have an appointment for the first shot of the vaccine on May 27, 2021 and expect to be fully vaccinated within thirty (30) days thereafter. I also hope to advance the date of my initial shot and be fully vaccinated by June, 2021.

I also make this request to afford my client an opportunity to be fully vaccinated prior to sentencing. Mr. McConnell, who faces a mandatory minimum sentence of ten (10) years, is a twenty-five (25) year old male who suffers from asthma and uses an Albuterol inhaler, when necessary, to manage his lifelong condition. Given his compromised health, and the likelihood that he will be eligible for the vaccine on or after May 1, 2021, we hope that he can be afforded an opportunity to become fully vaccinated before his commitment to a federal facility.

I have discussed the requests made herein with Alexander Li, the Assistant United States Attorney handling the case addressed herein on behalf of the Government and Jonathan J. Bressor, the United States Probation Officer who prepared the Pre-Sentence Investigation Report, and neither AUSA Li nor Officer Bressor oppose my instant request.

Thank you for your attention and consideration.

Respectfully Submitted,

  
David M. Colgan, Esq.

cc: **Via ECF and email Alexander.Li@usdoj.gov**

Alexander Li, Esq.  
Assistant United States Attorney  
United States Attorney's Office  
Southern District of New York  
One St. Andrews Plaza  
New York, N.Y. 10007

**Via ECF and Jonathan\_Bressor@nysp.uscourts.gov**

Officer Jonathan Bressor  
United States Probation Officer  
United States Probation Office  
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